

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

DUARDO OLVERA, DELFINO OLVERA,
PRISCO SORIANO, FERNANDO PERALTA,
AND MODESTO PERALTA, *individually and
on behalf of others similarly situated,*

Plaintiffs,

No. 14-cv-1372(PAE)

- against -

BAREBURGER GROUP LLC, BAREBURGER INC.,
EAST 87 BURGERS LLC, (d/b/a 1681 FIRST
AVENUE BAREBURGER), EAST SIDE BURGERS
LLC (d/b/a 1370 FIRST AVENUE BAREBURGER),
BAREBURGER EAST SIDE LLC,
(d/b/a BAREBURGER), EURIPIDES PELEKANOS,
GEORGIOS RODAS, JOSEPH BUSUTTIL,
PANTELIS TZANIDAKIS, PETROS TZANIDAKIS,
GEORGIOS TZANIDAKIS, AND JOHN KAPSALIS,

**DECLARATION IN
SUPPORT OF
MOTION TO DISMISS**

Defendants.

-----X

SALVATORE J. ACQUISTA, ESQ. an attorney duly admitted to practice before the
United States District Court, in and for the Southern District of New York, hereby declares the
following to be true under penalties of perjury:

1. I am a member of the law firm Acquista & Associates, P.C., attorneys for
Defendants Bareburger Group, LLC, Bareburger, Inc., Euripides Pelekanos and George Rodas
(the “Franchisor Defendants”). I am fully familiar with the facts of this action based upon the file
in my office. I submit this declaration in order to place before the Court documents relied upon
by the Franchisor Defendants in their motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6).

2. A copy of the Amended Complaint in this action is attached as Exhibit A.

Dated: Queens, NY
May 27, 2014

s/ Salvatore J. Acquista
Salvatore J. Acquista (SA-1331)
32-75 Steinway St., Suite 211
Astoria, New York 11103
Tel: 718.274.1010
Fax: 718.274.1077
Email: sacquista@acquistalaw.com
Attorneys for Bareburger Group LLC
Bareburger Inc., Euripides Pelkanos
and Georgios Rodas

CERTIFICATE OF SERVICE

I, Salvatore J. Acquista, hereby certify that on May 27, 2014, a true and correct copy of foregoing DECLARATION was served electronically via the Court's ECF System upon the below attorneys and that it is available for viewing and downloading from the ECF System.

Steven D. Hans & Associates, P.C.
Attorneys for East 87 Burgers LLC, East Side Burgers LLC
Joseph Busuttil, Pantelis Tzanidakis, Petros Tzanidakis,
Georgios Tzanidakis and John Kapsalis
41-18 Court Square, Suite 403
Long Island City, New York 11101
Attn: Stephen D. Hans, Esq.

Michael Faillance & Associates, P.C.
Attorney for Plaintiffs
60 East 42nd Street, Suite 2020
New York, New York 10165
Attn: Michael Faillance, Esq.

s/ Salvatore J. Acquista
Salvatore J. Acquista (SA-1331)
32-75 Steinway St., Suite 211
Astoria, New York 11103
Tel: 718.274.1010
Fax: 718.274.1077
Email: sacquista@acquistalaw.com